

[Parties and counsel listed on signature page.]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

People of the State of California, et al.

v.

Meta Platforms, Inc.; Instagram, LLC; Meta
Payments, Inc.; Meta Platforms Technologies,
LLC,

MDL No. 3047

Case Nos. 4:23-cv-05448-YGR-PHK
4:23-cv-05885-YGR-PHK
4:24-cv-00805-YGR-PHK

Office of the Attorney General, State of Florida,
Department of Legal Affairs

v.

Meta Platforms, Inc., Instagram, LLC., Meta
Payments, Inc.

**STATE ATTORNEYS GENERAL'S
ADMINISTRATIVE MOTION TO
ENFORCE PAGE LIMITS SET FORTH
IN JUDGE KANG'S STANDING ORDER
FOR DISCOVERY IN CIVIL CASES**

Judge: Hon. Yvonne Gonzalez Rogers

State of Montana, *ex rel.* Austin Knudsen,
Attorney General

v.

Meta Platforms, Inc., Instagram, LLC, Facebook
Holdings, LLC, Facebook Operations, LLC,
Meta Payments, Inc., Meta Platforms
Technologies, LLC, Siculus, Inc.

Magistrate Judge: Hon. Peter H. Kang

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION THIS
DOCUMENT RELATES TO:

4:23-cv-05448, 4:23-cv-05885; 4:24-cv-00805.

1 The State Attorneys General move to enforce the Court's *Standing Order for Discovery in*
 2 *Civil Cases Before Magistrate Judge Peter H. Kang*, as applied to upcoming letter briefing that
 3 will address disputes concerning the production of state agency documents. *See* ECF No. 1380
 4 (ordering such briefing to be submitted by Monday, December 9). Although the Court's Standing
 5 Order provides parties to a discovery dispute with 2 1/2 pages of letter briefing each, Meta¹ has
 6 sought to impose an unworkable and unreasonable page limit—a mere 1/2 page—on each State
 7 Attorney General.² This critical letter briefing will address discovery propounded by Meta on
 8 agencies in up to 30 States, potentially covering approximately 240 state agencies, each
 9 handpicked by Meta.³ Repeated meet-and-confers on this point have failed, necessitating this
 10 administrative motion under Civil Local Rule 7-11 to enforce this Court's Standing Order, so that
 11 each State Attorney General is not prejudiced by inappropriately restricted presentation to the
 12 Court. The State Attorneys General—who each represent separate, sovereign parties in this
 13 enforcement action—as a baseline should each be accorded 2 1/2 pages as provided in section
 14 (H)(3) of the Court's Standing Order.

15 Meta has propounded dozens of RFPs, seeking documents from more than 270 state
 16 agencies in the home states of the 35 State Attorneys General who originally brought this
 17 enforcement action. Additionally, beginning in July, Meta served more than 140 subpoenas on
 18 state agencies, presumably targeting its highest priority documents from the agencies it deemed
 19 most pressing. Since that time, scores of agency counsel from around the country have engaged in
 20 protracted meet and confers, involving, among other things, identification of custodians, selection
 21 of search terms, and provision of “hit reports.” Despite enormous efforts by these agencies, Meta
 22 has yet to settle on search terms with a single agency, aside from the agencies in one single state.

23
 24 ¹ As used in this filing, “Meta” refers collectively to the defendants in this multistate
 25 enforcement action: Meta Platforms, Inc.; Instagram, LLC; Meta Payments, Inc.; Meta Platforms
 Technologies, LLC; Facebook Holdings, LLC; Facebook Operations, LLC; and Siculus, Inc.

26 ² Meta's position as of the time of filing also purported to offer all State AGs a combined
 27 5 pages of briefing to address what it termed “common issues.” Split among the State AGs at
 issue, this amounts to a handful of additional lines per State AG.

28 ³ Despite numerous requests, Meta has refused to inform the State AGs which State
 agencies will be the subject of the letter briefing.

1 Meta insisted on overly broad standalone search terms—like “polic*,” “social media,” “practice,”
2 and “concern”—and has refused to accept or even engage with agencies’ reasonable search
3 proposals tailored to each agency’s particular mandates and document maintenance practices.

4 Notwithstanding these enormous efforts, Meta seeks to bring numerous issues to this
5 Court’s attention regarding supposed deficiencies with state agencies in nearly every State on
6 which Meta has propounded sweeping discovery. Meta has further taken the unreasonable
7 position that each State Attorney General should be limited to a 1/2 page presentation. This is
8 unworkable. Given the number of state agencies at issue in most States, a 1/2 page would be
9 substantially exhausted by simply listing the names of the agencies. The issues at stake are
10 numerous and critical, and state-agency counsel have been working around the clock, in good
11 faith, to facilitate and respond to Meta’s dozens of RFPs and subpoenas. Meta’s preferred page
12 limit of a 1/2 page would not provide sufficient room for appropriate presentation by each State
13 Attorney General.

14 Further compounding the State Attorneys General’s inability to letter brief in a mere 1/2
15 page, despite repeated meet and confers with Meta, Meta refuses to provide the State AGs with
16 exactly what discovery issues Meta plans to raise with the Court or what remedies or relief Meta
17 seeks. Meta refuses to even confirm whether it plans to seek discovery sanctions—confirmation
18 that should be straightforward, as seeking sanctions under these circumstances, without notice or
19 an opportunity to be adequately heard, would be patently at odds with due process. *See, e.g.,*
20 *Foster v. Wilson*, 504 F.3d 1046, 1053 (9th Cir. 2007). Regardless, all of this further underscores
21 the unreasonableness and unworkability of Meta’s attempt to limit each State Attorney General to
22 a 1/2 page letter brief.

23 For these reasons, the State Attorneys General respectfully request that the Court enforce
24 the page limits in its Standing Order—2 1/2 pages per party to a dispute—in forthcoming
25 discovery letter briefing that will be presented to the Court on Monday, December 9.

1 Dated: December 4, 2024

Respectfully submitted,

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ATTESTATION

I, Megan O'Neill, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: December 4, 2024

By: /s/ Megan O'Neill